

<b>Application Number</b> 	Application/Control No. 10/660,873	Applicant(s)/Patent under Reexamination ALEX, MICHAEL
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<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : January 18, 2007	This patent is subject to a Terminal Disclaimer	

**Approved/Disapproved by:**

Henry D. Jefferson

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Terminal Disclaimer to Obviate a Double Patenting  
Rejection over a "Prior" Patent

Docket Number (Optional)

TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT

In re Application of: Michael Alex

Application No.: 10/660,873

Filed: 9/12/2003

For: Circuit And Method For Refreshing Data Recorded At A Density  
Sufficiently High To Undergo Thermal Degradation

The owner, Komkar, Inc., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,329,984 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is held invalid in a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is released; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

An ASSIGNMENT from the inventor is recorded at Reel 010161, Frame 0826.  
Check either Box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 36,320

Signature

Jan 18, 2007

Date

OMKAR MURTHY      K. SURYADEVARA

Typed or printed name

408-982-8203

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included/should be charged to Deposit Account 50-2-263

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 13 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

In re Application of: Michael Alex

Application No.: 10/660,873

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**Circuit And Method For Refreshing Data Recorded At A Density Sufficiently High To Undergo Thermal Degradation**The owner, Konarka Inc.

of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,628,466 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently defined by any terminal disclaimer. The parties hereto agree that any patent so granted on the instant application shall be enforceable only for an issue term period that it and its prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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- has all claims canceled by a reexamination certificate;
- is released; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

An ASSIGNMENT from the Inventor is recorded at Reel 010161, Frame 0835  
Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 36,820

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Signature

Jan 18, 2007

Date

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Typed or printed name

408-982-8203

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included, should be charged to Deposit Account 50-2263

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